IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7061 of 2004

Between:

Sardar Kuldip Singh Bagga, S/o Late Nandsingh Bagga,
R/o Plot No.4, Road No.12, Banjarahills, Hyderabad.

..... PETITIONER

AND

1 The Commissioner cum Special Officer, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.
2 Ahmedbin Awaz Bashdi, S/o Awezbin Adbul Aziz Bashdi,
R/o 8-2-654, Road No.12, Banjarahills, Hyderabad.
3 M/s Reliable Constructions Banjara, a regd. partnership Firm having its office at 3-6-268, Himayathnagar, Hyderabad, rep. by its Partner K.S.Reddy
4 Mrs Prathiba Pathki, W/o Jayanth Pathik,
R/o 3-4-135, Barkatpura, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or any appropriate Writ or Writs or direction/s more particularly in the nature of Writ of Mandamus declaring the inaction of the respondent No.1 in not acting upon the complaint of the petitioner dated 6-4-2004, as illegal, arbitrary and unconstitutional and consequently direct the respondent No.1 to demolish unauthorized constructions in our locality it would lead to violation of easementary rights and also cause enormous nuisance as it would result in water, parking and other problems. The respondents No.2 to 4 have two entrances to their property. One entrance is from our valley view some and the other entrance is from Durga Enclave. It is necessary to mention that the plot of the respondents No.2 to 4 forms part of valley view layout and the drainage, electricity and water connections are given through the existing connections. The inaction of the respondent No.1 in not acting upon the complaints of the petitioner is illegal, arbitrary and unconstitutional. If interim orders are not issued to the respondents No.2 to 4 to immediately stop all further constructions in plot bearing No.1514, Valley view Avenue 1 Road No.12,

Banjara Hills, Hyderabad the petitioners will be put to irreparable loss and injury.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

Counsel for the Respondent No.2: Notice returned un-served

Counsel for the Respondent No.3: SRI K. RAGHUVEER REDDY

Counsel for the Respondent No.4: None appeared

The Court made the following:

ORAL ORDER:

The learned Counsel for the petitioner seeks permission of this Court to withdraw the writ petition. Permission is accorded.

Accordingly, the writ petition is dismissed as withdrawn. No costs.

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11-08-2004

es/skmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner cum Special Officer, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.
2. 2CD copies